IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6799 OF 2005

Mr.Nitin Damodar Kothari .. Petitioner

Vs.

Mrs.Rohini @ Niyati N.Kothari .. Respondent

Ms.Seema Sarnaik with Ms.Geeta Mulekar for the petitioner

Respondent no.1 present in person

CORAM : S.U.KAMDAR, J
DATED : 24TH NOVEMBER, 2005

P.C.:

1. The present petition is filed challenging the order passed by the Family Court dt.16.6.05 by which the Family Court has fixed the quantum of maintenance of wife at Rs.15000/- p.m. and for minor daughter at Rs.7000/- p.m. and Rs.10000/- as costs of the present litigation.

2. The learned trial court while passing the aforesaid order has considered that the monthly salary income of the respondent is Rs.91000/- and plus he is earning the amount from the investments

which are made. There is no serious dispute as to the amount of salary which is earned by the petitioner as considered by the Trial Court.

3. The learned counsel for the petitioner contends that there is an investment of which there are return by way of interest income and that should be paid to the petitioner and not the maintenance amount. I am not inclined to interfere with the orders passed by the Trial court on such ground. Order of Trial court is just and fair and the quantum amount of maintenance fixed cannot be interfered with in writ jurisdiction under Article 226 of the Constitution of India. Accordingly petition fails and the same is dismissed accordingly. No order as to costs.